



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/743,115	01/05/2001	Munchisa Fujimaki	14998.265	5331

7590

03/18/2003

Ira J Schaefer  
Chadbourn & Parke  
30 Rockefeller Plaza  
New York, NY 10112

EXAMINER

COLAIANNI, MICHAEL

ART UNIT

PAPER NUMBER

1731

DATE MAILED: 03/18/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/743,115

Applicant(s)

Fujimaki et al.

Examiner

Michael Colaianne

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 5, 2001
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 6) ☐ Other:

Art Unit: 1731

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Masahiro et al. JP 8-277139.

Masahiro et al. teach a method of monitoring and twisting an optical fiber including the step of monitoring the outer diameter in two different directions in a plane perpendicular to the longitudinal direction of the optical fiber (Fig. 1, ref. no. 20, 22, a plane perpendicular to the longitudinal direction of the optical fiber would be the plane including the sensors themselves and extending out of the page. Also, a plane perpendicular to the optical fiber would include a plane extending out of the page and positioned with the longitudinal axis of the fiber. This plane would still be perpendicular because the longitudinal direction of the fiber encompasses a plane that is perpendicular to this direction (i.e. the longitudinal direction is merely one of a myriad of longitudinal directions in that direction)).

Masahiro et al. also teaches an apparatus for measuring the twisting of a fiber and for making optical fibers having means for drawing a preform (Fig. 1, ref. no. 14, 10); means for

Art Unit: 1731

twisting the fiber (Fig. 1, ref. no. 12) and means for measuring the outer diameter of the fiber from two different directions in a plane perpendicular to the longitudinal direction of the optical fiber (Fig. 1, ref. no. 20 and 22, a plane perpendicular to the optical fiber would include a plane extending out of the page and positioned with the longitudinal axis of the fiber. This plane would still be perpendicular because the longitudinal direction of the fiber encompasses a plane that is perpendicular to this direction (i.e. the longitudinal direction is merely one of a myriad of longitudinal directions in that direction).

3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Payne et al. UK 2101762.

Payne et al. teach a method of monitoring and twisting an optical fiber including the step of monitoring the outer diameter in two different directions in a plane perpendicular to the longitudinal direction of the optical fiber (Fig. 1, ref. no. 16, 15, abstract, page 3, lines 8-10, Figure 1 clearly show that the outer diameter is measured in two directions by measuring means 16 where in the arrows indicate that measurement is taken from both the right and the left of the fiber).

Payne et al. also teaches an apparatus for measuring the twisting of a fiber and for making optical fibers having means for drawing a preform (Fig. 1, ref. no. 13, 10); means for twisting the fiber (Fig. 1, ref. no. 11) and means for measuring the outer diameter of the fiber from two different directions in a plane perpendicular to the longitudinal direction of the optical fiber (Fig. 1, ref. no. 16, 15, abstract, page 3, lines 8-10, Figure 1 clearly show that the outer diameter

Art Unit: 1731

is measured in two directions by measuring means 16 where in the arrows indicate that measurement is taken from both the right and the left of the fiber).

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Colaianni whose telephone number is 703-305-5493. The examiner can normally be reached on Monday to Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin, can be reached on (703) 308-1164. The fax phone number for the organization where this application or proceeding is assigned is 703-305-5493.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.

Art Unit 1731  
March 12, 2003

A handwritten signature in black ink, appearing to read "Michael Colaianni", with a long horizontal stroke extending to the right.

**MICHAEL COLAIANNI  
PRIMARY EXAMINER**